

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ELVIS NGO, Reg. No. 07562-043,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:08cv649-TMH
)
LARRY HOWARD,)
)
Defendant.)

ORDER AND OPINION

On September 25, 2008, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that the plaintiff's motion to dismiss is GRANTED and this case is DISMISSED without prejudice.

Done this the 23rd day of October, 2008.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE
TRUMAN M. HOBBS